

**WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: January 7, 2022**

**MINUTES – (Informational)**

The Wright County Board of Adjustment met January 7, 2022, in the County Commissioner's Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present were: John Jones, III, Dan Mol, Paul Aarestad, Dan Vick & Bob Neumann. Representing the Planning & Zoning Office were, Tracy Janikula, Feedlot Administrator and Barry Rhineberger, Planning & Zoning Administrator; Greg Kryzer, Assistant County Attorney, legal counsel.

**ORGANIZATIONAL ITEMS:**

First meeting of the year, Rhineberger, acting as Chairman, pro-tem, called the meeting to order at 8:30 a.m. and called for nominations for a Chair. Mol nominated Aarestad as Chair. Rhineberger called three times for further nominations, hearing none, a roll call was called, and unanimous ballot cast for Aarestad.

Aarestad assumed the Chair and called for nominations for a Vice-Chair. Mol nominated Neumann as Vice-Chair, hearing no further nominations, a roll call vote was called, and unanimous ballot cast for Neumann.

Aarestad called for action to adopt a Meeting calendar for 2022. On a motion by Mol, seconded by Jones, all voted to adopt the meeting dates at 8:30 a.m. on suggested calendar.

**ACTION ON MINUTES FOR THE DECEMBER 10, 2021 MEETING**

On a motion by Vick, seconded by Neumann, all voted to approve the minutes for the December 12, 2021, meeting as printed.

**1. SCOTT & JEANNE KNUTSON – New Item**

LOCATION: 2100 County Road 5 NW – Part of Gov't Lot 1, Section 19, Township 120, Range 27, Wright County, Minnesota. (Granite Lake – Albion Twp.) Tax #201-000-194101

Requests a variance as regulated in Section 155.026, 155.048, 155.057 & 155.090, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to expand the existing dwelling with a 403 sq. ft. main level addition, 256 sq. ft. lower-level addition and 180 sq. ft. deck/patio off the lower level. Existing dwelling is 29.9 ft. from the Ordinary Highwater Mark of Granite Lake (OHW) and 77.3 ft. from the centerline of County Road 5. Proposed additions to be 44 ft. from the OHW and 72.3 ft. from County Road 5. Also proposed is a new 18' x 20' accessory structure 79.3 ft. from the OHW and 66.6 ft. from the centerline of County Road 5. Impervious surface will be reduced from 35.1% to 24.1%. Proposal includes a new Type IV septic system, and a variance is requested to locate system 5 ft. from the property line.

Present: Scott & Jeanne Knutson, Bernie Miller, MSTs site designer, Brandon Scheuble, KC Custom Home Design Architect

A. Rhineberger reviewed the building plans and site plan. The property is 18,354.6 sq. ft. lot on Granite Lake. The request is to expand the dwelling with a main level addition of 403 sq. ft., lower level of 256 sq. ft. and 180 sq. ft. deck off the lower level. The existing dwelling is 29.9 ft. from the Ordinary Highwater Mark (OHW) and 77.3 ft. from the centerline of County Road 5. The addition would be 44 ft. from the OHW and 72.3 ft. from the centerline of County Road 5. The proposal includes a new 18' x 20' accessory building that will be 79.3 ft. from the OHW and 66.6 ft. from the centerline of the County Road 5. Driveway and parking will be reduced to bring down that impervious

coverage from 35% to 24%. Included in the request is a variance for a new Type IV septic system, to be located 5 ft. from the property line. Building plans and current home photos were displayed and reviewed. In 1999, the Board approved the addition of the porch. The Town Board did give approval for all the variances. The neighbor, near the septic system, did reply that they are not in favor of the septic system variance, as it is 5 ft. from their property line.

- B. S. Knutson stated that when the property was originally purchased it worked well for their family as a seasonal home. As they have grown it has become evident that if they would like to use the property year-round the space is not big enough. Proposed plan allows for a larger kitchen, another bathroom, and an additional bedroom. The septic system and well will both be replaced.
- C. Miller – worked with an architect to address the building goals while he addressed the septic system and impervious coverage. The building lot coverage will go from 6.1% to 9.5%. A huge challenge is the County Road with the 130 ft. setback. Rhineberger – the County Highway Department did give approval with the structure being 66 ft. from the centerline. There have been other variances in the area for accessory structures and the Highway Departments general policy is they do not want to see anything closer than 66 feet in this area. Miller – the accessory building will be more of a storage building and not really a garage. The proposed septic system is a Type IV to be located 5 ft. from the property line. A septic system must be setback 10 ft. from anything other than a house and 20 ft. from a house. The philosophy is that septic system code requires a 10 ft. setback for situations that do not require a survey. Ten feet is a good buffer distance when an exact property line is not known. The neighbor's concern is that the septic system will leak or overflow onto their property and to the lake. The Type IV system is the most monitored system out there, with 3 alarms, alarm notification if not treating and is serviced annually with a report going to the County. This type of system is checked more than any other type of system. A standard septic system is only required to be checked when a property changes hands. There is a risk with any septic system but with a Type IV there are so many built in check systems therefor the chance of failure is minimal. There is a possibility to adjust the location of the septic system, however, it would not meet the lake setback and will be closer to the house.
- D. Aarestad called for public comment. No one from the public stepped forward.
- E. Neumann stated he was involved in the discussion at the Albion Township meeting. If this was a bare lot any type of building would require some type of variance, with the lake and road setbacks overlapping a variance is inevitable. There is just no way to do anything on this property without some type of variance. The 5 ft. septic setback is not ideal but as Miller explained if it is moved to meet the 10 ft. setback it just moves closer to the house and lake. When looking at the neighboring property there is a capped well and the driveway angles in a way that it is unlikely someone would build near the septic system. The proposed addition would be no closer to the lake. Questioned if at the Township meeting it was discussed that the sheds would be removed. S. Knutson– there is no plan to remove either shed. The plan is to move a shed onto their property, as it currently is on the neighbor's land, which came to light with the survey. Neumann – understanding from the Township meeting was that the sheds would be removed to build the new one. Miller – proposal includes 152 sq. ft. for sheds, and they were both included in the square footage calculations of impervious and building coverage. Neumann - with the addition, septic location and where the new well will be going he is okay with the proposal.
- F. Mol – questioned the driveway situation as it appears there is a shared driveway on both sides. S. Knutson – there is an easement for both driveways. Mol – concern is access being cut off by a

neighbor. S. Knutson confirmed they are recorded easements. Mol questioned Rhineberger if the two small buildings are considered water-oriented structures. Rhineberger – have not addressed them in this case. If they are both in front of the dwelling, they would be water-oriented structures. Lots where the lake and road setbacks overlap this is harder to interpret. If a structure is back behind the furthest encroachment of the house, one could question if it is considered a water-oriented structure. Lakeshore fence rules are allowed in a similar fashion. A fence must meet the lake setback or be no closer than the closest portion of the dwelling. It is up to the Board to decide how to address these buildings. In this case the buildings already exist and with their locations he feels Staff would not put a lot of effort into having them removed. Mol – with the explanation from Rhineberger and confirmation the one building will be moved off the property line, he is okay with the building locations. Concerned with the addition to the house and added water runoff. The plans do not show how extra water runoff will be addressed. The house being roughly 33' from the lake, concern is in the future an extra deck or patio would be wanted. J. Knutson – have explored impervious pavers. S. Knutson commented there are no plans to add additional decks or patios. Miller – the lot is at 24.1 % leaving about 100 sq. ft. above this plan. A paver walkway around the house would still be under the 25% limit. The existing deck on the plan is listed as 'deck' because it is wood. Because it is only 18" off the ground, so by definition, a patio. There are areas on the lot where water runoff could be addressed. The lot is very flat; therefore, water does not flow fast or shoot straight to lake. The west side has an area where runoff could flow fast, but that is not coming from the house. Agreed a stormwater management plan could be included. Mol – with a new shed and addition to the house he would appreciate seeing a stormwater management plan. If this was a new build the Board would most likely want to see more of a setback from the lake and more of a variance with the road. Recognizes there is a hardship with the overlapping lake and road setbacks. Would like to make sure they are doing what can be done to protect the lake. Rhineberger – with the topography, a raingarden might not be the best option. There is not the high speed of water flow because the drop in elevation is not there. The location of the riprap will help diffuse water runoff. A vegetative buffer would be a more ideal option for this lot. A no mow vegetative strip is nice and easy for Staff to monitor and address if not properly maintained. Mol stated he is comfortable with the driveway easement. The septic system being 5ft. from the lot is not a concern. As explained, the Type IV systems are watched more closely than any other septic system. Confident the system will not be an issue and the in past the Board has granted 5 ft. variances.

- G. Jones stated that other members addressed his concerns. He recognizes the difficulty this lot presents and is comfortable with the request.
- H. Vick – the request is a modest improvement. Concern that the neighbor, who has concerns, is not at the meeting to address those concerns. Hesitant on going through without those concerns being addressed. Would like to see the shed, being moved back onto the property, moved so it meets the required setback or be moved up closer to the house. Rhineberger – that would be up to the Board on what they want to see. The Board addressed a similar situation on a Natural Environment Lake where a water-orientated structure is not allowed. In that case, the Board allowed the building to be moved up by the house. In this case one water-orientated structure is allowed but there are two buildings that could be considered water-orientated structures. It is up to the Board how they want to address these buildings and their locations. There are options for both sheds to be shuffled or removed. Because they are existing Staff is fine where they are proposed to be located. Vick questioned if the neighbor with concerns made it to the Township meeting. Neumann confirmed that he did not attend the Albion Township meeting.

- I. Miller – if the Board approves the request the neighbor has stated intentions to appeal the decision. Questioned what the basis would need to be for an appeal. Kryzer – anyone has a right to appeal the Boards decision. Miller – the alterative of moving the septic system 10 ft. from the property line would move the system closer to the lake, at 72.1 feet. The house setback would go from 19 ft. to 15 feet. Kryzer – not aware of how the Boards discussion could be characterized as arbitrary or capriccios in any manner. The Board has been reasonable addressing and articulating the practical difficulty in this situation. If someone, who is not present to comment directly to the Board, thinks that their statement that is not in the record makes the decision arbitrary or capricious, then they can appeal to the District Court. Kryzer addressed the applicants and Board stating that if this request is approved the Boards decision will be adamantly defended.
- J. Aarestad concurs with what was said by the other members. Appreciated comments and clarification on the septic system. Recognizes there is a hardship and feels the addition is modest and reasonable. The impact of the addition on the lake is minimal with most of the expansion being roadside. The neighbors appear to be even closer to the road than the addition. Feels the plan is reasonable.
- K. Vick moved to grant a variance as regulated in Section 155.026, 155.048, 155.057 & 155.090, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to expand the existing dwelling and new storage building according to the plans approved are according to the plans submitted, marked Exhibit “A” - building plans, and Exhibit “B” - septic system site plan. Conditions: Stormwater management plan to be submitted at the time of the building permit. The shed nearest the lake will be moved onto the property and meet the 10 ft. side yard setback. Seconded by Mol.

*DISCUSSION: Miller questioned if the shed needs to be 10 ft. off the property line or the lake. Vick stated he is addressing the side property line. The shed is already being moved; he would like to see it meet that 10 ft. setback to the property line. S. Knutson – if moved 10 ft. off the line not sure it will work and they might need to just remove it at that point. Vick – questioned what is preventing them from meeting that 10 ft. mark. S. Knutson – there is an existing firepit. Vick – would like to see it meet that 10 ft. setback.*

VOTE: CARRIED UNANIMOUSLY

2. **ALICE A. COUDRON** – New Item

LOCATION: 2575 143<sup>rd</sup> St. NW – E 1/2 of SW 1/4 and W 1/2 of SE 1/4 lying south of 143<sup>rd</sup> St. NW, all in Section 22, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-224300, -224200 & -223104

Requests a variance of Section 155.026, 155.048(G) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the remaining available “entitlement” from land owned by Coudron being 216-100-224300 to remaining 15-acres of lot of record that adjoins to the north.

Present: Alice Coudron

- A. Rhineberger reviewed the involved parcels. One is a 14.97-acre lot-of-record. Right now, it is 20 acres with an existing approved deed restriction to split off 5 acres. If a lot-of-record is over 10 acres the entitlement can be divided off and leave the rest as restricted, which is what was done in this situation. On record there is approval to divide off the buildings and 5 acres in the northwest corner leaving the 14.97 acres restricted. The Board will need to include in their motion that division be completed as part of this process. With the acreage owned to the south there are two entitlements, one of which is used by the existing farmstead. The request is to move the one remaining entitlement to what would be the 14.97-acre restricted parcel, which is over the 10-acre limit allowed administratively. Administratively they could divide the 5 acres, they are already approved for, and then combine the rest of the parcels into one large lot and divide off no more than 10 acres. Going through that process is not practical with what is already present and would leave a 5-acre strip. There is not a variance needed for tillable ground, strictly the division of the oversized lot. Approval from the Town Board was received.
- B. Kryzer questioned if the items in the Beacon aerial photo are compliant with the junk ordinance. Rhineberger stated that as far as he was aware the parcel is compliant. There is a basement from a previous structure. Coudron confirmed that is the case. Rhineberger stated that it should be made very clear in the motion that before anyone occupies the structure, proper building permits need to be obtained or structure removed. This structure is not currently permitted as habitable space.
- C. Mol stated he is familiar with the location and property. Knows that there was dirt moved onto the property for the I-94 Interstate road project and questioned if that dirt was moved or will be moved. Coudron – about half has already been removed and there are plans to disperse the rest. Mol – does not have a lot of opposition to the request. Lives near the location and knows of the noise that comes from I-94, so if someone wants to build a house along I-94 that is their choice.
- D. Jones stated he is a neighbor and therefore will recuse himself from the discussion.
- E. Vick stated he does not have a lot of opposition. Questioned if it is a foundation on the lot or a building that could be moved into. Coudron – a basement of an old house and cannot be lived in. Vick – as long as it is removed before anything is built.
- F. Neumann – this size lot is too big to mow and too small to farm, therefore does not like to see them. Not familiar with the property but wonders if there could be issues with livestock on acreage over 10. Rural area but is this a lot and location where we want to see 15-20 horses. Mol – this property is unique with the location to the freeway. If the same parcel was 2 miles off the freeway, he would have the same concern with animals. Does not foresee someone wanting to build a large horse arena

or similar in this area. With the amount of traffic going by on I-94 it will be noticed if this becomes a junk yard or has issues. Neumann – concern of businesses on the property. Rhineberger – in the General Agricultural (AG) district, businesses are allowed with the proper Conditional Use Permit (CUP). That same question would come up with any AG parcel this size. By definition, a parcel this size would have no limit on accessory structure size but does have a 15% building coverage limit. That would be an extremely large number of pole buildings. This area is not zoned for commercial operations, but a contractor's yards or home extended business could be allowed with the proper CUP. Neumann – with the I-94 visibility this would be an ideal location for signs and advertisement for a contractor or business. Rhineberger – there is a sign ordinance with specific rules for setbacks and size. Not knowing the exact rules, he does believe the setback is enough that in this area it would be difficult to see and not ideal. Neumann stated he would like to see animal unit restriction set. Janikula suggested setting a 9.9 animal unit limit.

- G. Aarestad – does not see that moving an entitlement would drastically change anything. Agrees with setting the 9.9 animal unit limit.
- H. Vick motion to approve a variance to allow the remaining available “entitlement” from land owned by Coudron being 216-100-224300 to remaining roughly 15-acres of lot of record that adjoins to the north. Conditions: 1) Subject to the condition that it is limited to 9.9 animal units or less. 2) The existing foundation must be removed prior to any building permit being issued. 3) A deed transferring the 5 acres be completed prior to the Deed Restriction for the movement of the “entitlement” being processed. Subject to survey and new legal description. Motion seconded by Mol.

VOTE: IN FAVOR: Mol, Vick, Aarestad, Neumann ABSTAINED: Jones  
MOTION PASSED

3. **RYAN NELSON** – New Item

LOCATION: 398 & 338– 120<sup>TH</sup> Street – Gov’t Lot 1 & 80 rods of Gov’t Lot 2 & part of W 1/2 of SE 1/4 of Section 36, Township 122, Range 26, Wright County, Minnesota.  
(Silver Creek Twp.) Tax# 216-100-361304 & -361301  
Owners: Nelson Acres LLC & Rowe

Requests a lot line adjustment as regulated in Section 155.026(E)(2), 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to attach 20 acres from tax parcel #216-100-361301 to the Rowe property lying to the south, tax Parcel #216-100-361304.

Present: Ryan Nelson

- A. Rhineberger displayed map to show the location with the proposed lot line. The property is in Silver Creek Township. The request is for a lot line adjustment to attach approximately 20 acres from the Nelson Farm to Rowe’s property. Proposal is to divide off the wooded acres and a portion of the pond that will be attached to the Rowe’s property. Request is strictly a lot line adjustment with no transfer of building entitlements. If the Board is considering approval the motion should include subject to a survey and Deed Restriction with a parcel combination or Administrative Order. The Township has approved. No neighbor responses received.
- B. Nelson – purchased the property to farm. The wooded area and pond do not generate any revenue. An irrigation system will be installed for the field area, which is the reason for the jog in the property line. The irrigator base will be in that location of the small jog. Everything that will be under irrigation and farmed will be retained in ownership. The entitlements will stay with the farm.
- C. Jones – knows the location. Does not see a problem and feels it will be beneficial for the area.
- D. Vick questioned the entitlement but that was addressed and therefore does not see a problem with the request.
- E. Neumann – likes to see situations when you have a willing buyer and seller, and both are okay with what they are getting. He can see why the line is not directionally straight and is satisfied with the request.
- F. Mol – concern with the parcel being land locked and making sure it is clear there are only two other property owners that could purchase the land. Wants to make sure that if the properties stay with separate tax parcel numbers, they are required to stay owned in common. Nelson – the intention is not for them to be separate parcels. Rhineberger – with separate Tax ID’s the issue comes up where there is a mortgage on only one parcel and therefore not included in the foreclosure process. In these cases, we have seen a land locked parcel left off on its own. An Administrative Order does not supersede foreclosure law. The other issue that comes up is when a parcel is sold under Contract for Deed. An Administrative Order cannot not be done when two parcels are not owned in the exact the same way. If the Board approves this request, Staff would like it to be clear that a Fee Title Transfer be done when property is transferred. Rowe stated there is no loan involved so there should not be a problem combining the properties, which is his intention. Rhineberger reiterated that the properties need to be owned in the exact same way for a parcel combination to be completed. This means that if the current property is owned as husband and wife the new property needs to be purchased as husband and wife.

G. Aarestad stated he is in favor of the request.

H. Mol motioned to approve a lot line adjustment as regulated in Section 155.026(E)(2), 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to attach 20 acres from tax parcel #216-100-361301 to the Rowe property lying to the south, tax Parcel #216-100-361304. Subject to survey and completion of Auditor's Combine Form; to be completed by December 31, 2022. If the 20-acres can't be joined under the existing Tax ID a separate administrative order will be required. Seconded my Neumann.

VOTE: CARRIED UNANIMOUSLY



**ADMINISTRATIVE DISCUSSION:**

Kryzer addressed the Board regarding the move to the new Government Center. A date will be scheduled in February to do a walk through with the Board and discuss the new audio system.

Rhineberger stated he was contacted by the contractor for the Becker variance that the Board previously approved. The property is on the north end of Lake John with the approval for picking up the house and adding a full basement. According to the contractor, the construction costs are getting to the point where it would be more feasible to rebuild the entire structure. The contractor confirmed the approved building plans will be used. Rhineberger gave approval to move forward with a complete rebuild as long as there are no changes to location, height, or build itself. There was minor discussion amongst the Board. The Board members felt a full rebuild would be reasonable if the plans presented and approved were followed.

Rhineberger – with a change in Administration comes a change in Ordinance interpretation. There are times when language can be extremely vague and open for interpretation. The Administrator decides how to interpret the rule and determines if a decision can be done in office, with Administrator approval, or will be required to be heard by the Board. Rhineberger went on to specifically address and read the Ordinance section regarding the altering of existing lots. Historically the Board has heard requests for lot line adjustments that are not a full quarter quarter section, but at the same time what is remaining meets the intent and spirit of the Ordinance. There is a point when administratively some of these lot line adjustments could, theoretically, be approved by the Administrator and not come before the Board. Rhineberger voiced that he would like to hear the thoughts of the Board members on ones similar to what they just heard with the Nelson request. What was approved by the Board and the conditions placed on the approval are no different than what would be required with an administrative approval. Mol – not having to go before the Board would save citizens time and money for the same outcome. Rhineberger – on requests that are more unique he would consult with legal counsel and determine if the decision should be presented to the Board for review. Vick questioned if Administration denied the request would it cause an issue for the County. Rhineberger - Administrative decision can be appealed to this Board. The same language and area of interpretation comes up on smaller lake lots. Neumann - by going before the Board, if there is a questionable situation, then the Board is the one addressing the request and the weight is not put on the Administrator. He does not want to see Planning and Zoning, or the Administrator get the reputation of always approving requests. By the Board making the decision it is five members making comments and deciding not a single person. Vick – going before the Board gives neighbors a chance to address concerns and ask questions. Rhineberger stated his intentions was to mention the situation and hear the Boards opinion and thoughts.

Meeting adjourned at 9:30 a.m.

Respectfully submitted,

Barry Rhineberger  
Planning & Zoning Administrator

BR:sld

Cc: Board of Adjustment  
Applicants/Owners

Twp. Clerks